

Message Text

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PAGE 01 STATE 043054
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C O N F I D E N T I A L STATE 043054

FOR USDEL TO HRC

E.O. 11652: GDS

TAGS: SHUM, IN

SUBJECT: INDIAN INITIATIVE ON HUMAN RIGHTS

REF: NEW DELHI 1370

1. DEPARTMENT HAS REVIEWED INDIAN PROPOSAL FOR A
RESOLUTION AT HUMAN RIGHTS COMMISSION APPEALING TO ALL
UN MEMBER STATES TO STRENGTHEN THEIR NATIONAL MACHINERY
FOR PROTECTION OF HUMAN RIGHTS. WE BELIEVE THAT INDIAN
PROPOSAL IS AN INTERESTING INITIATIVE AND THAT USDEL
SHOULD UNDERTAKE FURTHER CONSULTATIONS WITH INDIANS ON
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PAGE 02 STATE 043054

DETAILS OF PROPOSAL. DELEGATION IS REQUESTED TO PROVIDE
ASSESSMENT ON WHETHER RESOLUTION IS LIKELY TO BE INTRODUCED
AT SESSION AND WHAT REACTIONS OF OTHER DELEGATIONS WILL BE.
DELEGATION SHOULD ALSO PROVIDE DEPARTMENT WITH REPORT ON
PROPOSAL AT CONCLUSION OF SESSION WHICH WE COULD SUBSE-
QUENTLY USE FOR INTRA-GOVERNMENTAL STUDY.

2. JUSTICE DEPARTMENT HAS INDICATED THAT THEY DO NOT FORESEE ANY CONSTITUTIONAL OBSTACLE TO US SUPPORT FOR A NATIONAL HUMAN RIGHTS MECHANISM, WHETHER IT IS ANSWERABLE TO EITHER THE LEGISLATIVE OR THE EXECUTIVE BRANCH. THEY CANNOT, HOWEVER, EXPRESS A FINAL POSITION UNTIL THEY SEE

DETAILS OF THE INDIAN PROPOSAL. THEY HAVE NOTED THAT US ALREADY HAS SOME NATIONAL MACHINERY, NOTABLY THE CIVIL RIGHTS COMMISSION. OF COURSE OUR INDEPENDENT JUDICIARY IS OUR PRINCIPAL BULWARK AGAINST HUMAN RIGHTS ABUSES.

3. IN EXPRESSING INTEREST IN THE IDEA OF NATIONAL HUMAN RIGHTS MECHANISMS, DELEGATION SHOULD ALSO CONVEY TO INDIANS OUR CONTINUING SUPPORT FOR THE ESTABLISHMENT OF A UN HIGH COMMISSIONER FOR HUMAN RIGHTS. YOU SHOULD NOT LET THE INDIANS THINK THAT WE HAVE BACKED OFF THE HIGH COMMISSIONER PROPOSAL.

4. YOU SHOULD MAKE IT CLEAR THAT OUR INTEREST IN THE INDIAN PROPOSAL ENTAILS NO COMMITMENT ON OUR PART TO CREATE NEW HUMAN RIGHTS MACHINERY. STRENGTHENING EXISTING MACHINERY MIGHT WELL PROVE TO BE THE MOST APPROPRIATE US RESPONSE.

5. YOU MIGHT WISH TO DISCUSS THIS SUBJECT WITH MRS. PANDIT HERSELF. YOU SHOULD MAKE EVERY EFFORT TO ENCOURAGE

CONFIDENTIAL

PAGE 03 STATE 043054

DIALOGUE WITH INDIANS ON HUMAN RIGHTS WHICH WE VIEW AS VITAL ELEMENT OF OUR EXPANDING BILATERAL AND MULTILATERAL INTERESTS IN INDIA. VANCE

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